



T 3 0300

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) – SMALL BUSINESS CONCERN

Applicants: Wei Huang, Merl F. Hockstra, J. Richard Sportsman, and Ewald A. Terpetschnig
Serial No.: 09/844,655
Filed: April 27, 2001
Title: Molecular Modification Assays

I hereby declare that I am an official of the small business concern identified below and that I am empowered to act on behalf of the concern:

NAME OF CONCERN: Molecular Devices Corporation
ADDRESS OF CONCERN: 1311 Orleans Drive, Sunnyvale, California 94089

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under 35 U.S.C. § 41(a), (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or have the power to control both.

I hereby declare that exclusive rights under contract or law have been conveyed to and remain with the above-identified small business concern with regard to the invention described in:

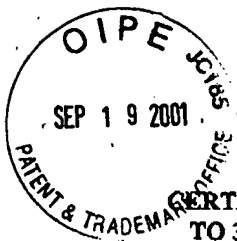
- ☐ the specification filed herewith, with title as listed above.
☒ the patent application identified above.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 09-06-01

Signature: G. von Gustin
Name: Gretchen von Gustin
Title: Chief Corporate Counsel



Our File - LIL 357

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b), CERTIFICATE PURSUANT
TO 37 C.F.R. § 3.71 AND MPEP § 106, and POWER OF ATTORNEY**

Applicants: Wei Huang, Merl F. Hoekstra, J. Richard Sportsman, and Ewald A. Terpetschnig
Serial No.: 09/844,655
Filed: April 27, 2001
Title: MOLECULAR MODIFICATION ASSAYS

Molecular Devices Corporation, a Delaware Corporation, certifies, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of assignments from each of the inventors named in the patent application identified above and their successors in interest. Copies of assignments or other documents in the chain of title are submitted herewith.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and certifies that to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The above-identified assignee of record, pursuant to 37 C.F.R. § 3.71 and MPEP 106, hereby excludes all inventors and previous assignee(s), if any, from access to the above-identified patent application, and reserves its right to conduct the prosecution of the above-identified patent application to the exclusion of the named inventors and previous assignee(s).

Molecular Devices Corporation hereby appoints the following attorneys and agents to prosecute the above-identified application and to transact all business in the Patent and Trademark Office connected therewith:

J. Pierre Kolisch, Reg. No. 15,802; Jon M. Dickinson, Reg. No. 22,820; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; Anton E. Skaugset, Reg. No. 38,617; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; Christopher S. Tuttle, Reg. No. 41,357; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; Michael M. Hall, Reg. No. 43,653; Ellen M. Gonzales, Reg. No. 44,128; Barbara A. McCoy, Reg. No. 46,077; Paul W. Churilla, Reg. No. 47,495; and Stanley M. Hollenberg, Reg. No. 47,658.

DIRECT COMMUNICATIONS TO:

James R. Abney
Kolisch, Hartwell, Dickinson, McCormack & Heuser
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204

Telephone: (503) 224-6655
Facsimile: (503) 295-6679
E-Mail: abney@khdmh.com

The undersigned (whose title is supplied below) is authorized to sign this certificate on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

MOLECULAR DEVICES CORPORATION

Date: 9/4/01

Signature: 

Name: GILLIAN M. HUMPHRIES

Title: VP ASSAY & REAGENT R&D

COPY

ASSIGNMENT

WHEREAS, we, Wei Huang of Santa Clara, county of Santa Clara, state of California, Merl. F. Hoekstra of Cardiff By The Sea, county of San Diego, state of California, J. Richard Sportsman of Palo Alto, county of Santa Clara, state of California, and Ewald A. Terpetschnig of Austin, county of Travis, state of Texas, have invented certain improvements in MOLECULAR MODIFICATION ASSAYS, for which we filed U.S. Patent Application Serial No. 09/844,655 on April 27, 2001; and

WHEREAS, Molecular Devices Corporation, a Delaware corporation, having its principal place of business in Sunnyvale, county of Santa Clara, state of California, is desirous of acquiring an interest therein;

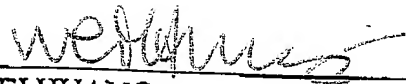
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, we, Wei Huang, Merl F. Hoekstra, J. Richard Sportsman, and Ewald A. Terpetschnig, have sold, assigned, and transferred, and by these presents do sell, assign, and transfer, unto Molecular Devices Corporation, the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent that may be granted therefor in the United States and its territorial possessions, in any and all foreign countries, and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof.

We hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to Molecular Devices Corporation, as the assignee of our entire right, title, and interest in and

to the same, for the sole use of Molecular Devices Corporation, and its successors and assigns.

Further, we agree that we will communicate to Molecular Devices Corporation, or its representatives, any facts known to us respecting the invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, reissue, substitution, and extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Molecular Devices Corporation, make all rightful oaths, and generally do everything possible to aid Molecular Devices Corporation, and its successors and assigns, to obtain and enforce proper protection for the invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of August, 2001.



WEI HUANG

Witness:



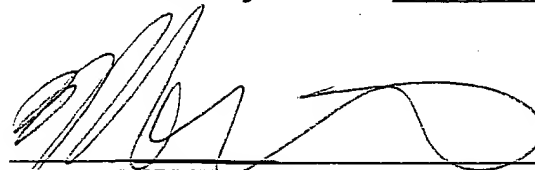
Name:

Jan Hummel

Address: 914 Mountain View Ave, #10

City, State: Mountain View, CA 94040

IN TESTIMONY WHEREOF, I have hereunto set my hand this 20th day of
August, 2001.


MERL F. HOEKSTRA

Witness: TERRI LOWE

Name: Terri Lowe

Address: 4132 Fieldstone Dr #103

City, State: Lynnwood, WA 98037

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day
of August, 2001.

J. RICHARD SPORTSMAN

Witness:

Name: _____

Address: _____

City, State: _____

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of
August, 2001.

MERL F. HOEKSTRA

Witness:

Name: _____

Address: _____

City, State: _____

IN TESTIMONY WHEREOF, I have hereunto set my hand this 20th day
of August, 2001.



J. RICHARD SPORTSMAN

Witness:

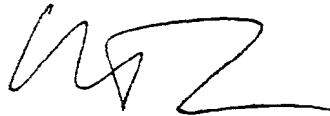


Name: Jan Hummel

Address: 914 Mountain View Ave., #10

City, State: Mountain View, CA 94040

IN TESTIMONY WHEREOF, I have hereunto set my hand this 27 day of
August, 2001.



EWALD A. TERPETSCHNIG

Witness: KURT D. HOFFACKER

Name: 

Address: 3101 Shoreline Dr. #734

City, State: Austin, TX



DECLARATION FOR PATENT APPLICATION
English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

MOLECULAR MODIFICATION ASSAYS

the specification of which:

_____ is attached hereto.
X was filed on April 27, 2001 as Application Serial No. 09/844,655
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Application Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority</u>	<u>Certified Copy</u>
PCT/US00/16025		June 9, 2000		

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional applications listed below.

<u>Application Number</u>	<u>Filing Date</u>
60/200,594	April 28, 2000
60/223,642	August 8, 2000
60/241,032	October 17, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became

Our File - LIL 357

available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
09/596,444	June 19, 2000	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: WEI HUANG

Inventor's signature:  Date: 8/14/01

Residence: 2362 Sutter Avenue, #4, Santa Clara, California 95050
Citizenship: P.R. China
Post Office Address: 2362 Sutter Avenue, #4, Santa Clara, California 95050

Full name of second joint inventor, if any: MERL F. HOKSTRA

Inventor's signature: _____ Date: _____

Residence: 2361 Manchester Avenue, Cardiff By The Sea, California 92007
Citizenship: United States of America
Post Office Address: 2361 Manchester Avenue, Cardiff By The Sea, California 92007

Full name of third joint inventor, if any: J. RICHARD SPORTSMAN

Inventor's signature: _____ Date: _____

Residence: 4154 Amaranta Court, Palo Alto, California 94306
Citizenship: United States of America
Post Office Address: 4154 Amaranta Court, Palo Alto, California 94306

Full name of fourth joint inventor, if any: EWALD A. TERPETSCHNIG

Inventor's signature:  Date: 8/27/01

Residence: 12440 Alameda Trace Circle, #1936, Austin, Texas 78727
Citizenship: Austria
Post Office Address: 12440 Alameda Trace Circle, #1936, Austin, Texas 78727




Our File - LYL 357

available between the filing date of the prior application and the national or PCT international filing date of this application.

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Full name of sole or first joint inventor: WEI HUANG

Inventor's signature: 

Date: 8/14/01

Residence: 2362 Sutter Avenue, #4, Santa Clara, California 95050
Citizenship: P.R. China
Post Office Address: 2362 Sutter Avenue, #4, Santa Clara, California 95050

Full name of second joint inventor, if any: MERL F. HOEKSTRA

Inventor's signature: 

Date: 8/20/01

Residence: 2361 Manchester Avenue, Cardiff By The Sea, California 92007
Citizenship: United States of America
Post Office Address: 2361 Manchester Avenue, Cardiff By The Sea, California 92007

Full name of third joint inventor, if any: J. RICHARD SPORTSMAN

Inventor's signature: _____

Date: _____

Residence: 4154 Amaranta Court, Palo Alto, California 94306
Citizenship: United States of America
Post Office Address: 4154 Amaranta Court, Palo Alto, California 94306

Full name of fourth joint inventor, if any: EWALD A. TERPETSCHNIG

Inventor's signature: _____

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Full name of sole or first joint inventor: WEI HUANG

Inventor's signature: _____

Date: 8/14/01

Residence: 2362 Sutter Avenue, #4, Santa Clara, California 95050
Citizenship: P.R. China
Post Office Address: 2362 Sutter Avenue, #4, Santa Clara, California 95050

Full name of second joint inventor, if any: MERL F. HOEKSTRA

Inventor's signature: _____

Date: _____

Residence: 2361 Manchester Avenue, Cardiff By The Sea, California 92007
Citizenship: United States of America
Post Office Address: 2361 Manchester Avenue, Cardiff By The Sea, California 92007

Full name of third joint inventor, if any: J. RICHARD SPORTSMAN

Inventor's signature: _____

Date: 8/20/01

Residence: 4154 Amaranta Court, Palo Alto, California 94306
Citizenship: United States of America
Post Office Address: 4154 Amaranta Court, Palo Alto, California 94306

Full name of fourth joint inventor, if any: EWALD A. TERPETSCHNIG

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Residence: 12440 Alameda Trace Circle, #1936, Austin, Texas 78727
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